

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	09/494,297	PODBIELSKI, ANDREAS
	Examiner	Art Unit
	N. M. Minnifield	1645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 11/26/03 and 2/18/04.
2.  The allowed claim(s) is/are 19-27; now renumbered 1-9 respectively.
3.  The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**

7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date 2/18/04.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

  
 N. M. Minnifield  
 Primary Examiner  
 Art Unit: 1645

## **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with B. Aaron Schulman, 31877 on February 18, 2004.

2. The specification has been amended as follows:

19. (Amended) An isolated nucleic acid molecule encoding [an] the amino acid sequence selected from the group consisting of SEQ ID NO:2 and SEQ ID NO:4.

20. (Previously presented) An isolated nucleic acid molecule according to Claim 19 wherein the nucleic acid is isolated from group A *Streptococcus* bacteria.

21. (Previously presented) An isolated nucleic acid molecule according to Claim 19 wherein the nucleic acid is isolated from *Streptococcus pyogenes*.

22. (Amended) An isolated nucleic acid molecule having [a] the sequence selected from the group consisting of SEQ ID NO:1 and SEQ ID NO:3.

23. (Previously presented) An isolated nucleic acid molecule according to Claim 22 wherein the nucleic acid is isolated from group A *Streptococcus* bacteria.

24. (Previously presented) An isolated nucleic acid molecule according to Claim 22 wherein the nucleic acid is isolated from *Streptococcus pyogenes*.

25. (Previously presented) An isolated nucleic acid molecule having a sequence that selectively hybridizes to a target sequence selected from the group consisting of SEQ ID NO:1 and SEQ ID NO:3, said sequence that selectively hybridizes having at least 70% complementarity with the target sequence.

26. (Previously presented) An isolated nucleic acid molecule according to Claim 25 wherein the nucleic acid is isolated from group A *Streptococcus* bacteria.

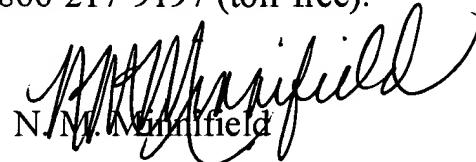
27. (Previously presented) An isolated nucleic acid molecule according to Claim 25 wherein the nucleic acid is isolated from *Streptococcus pyogenes*.

3. Claims 19-27 have been allowed and renumbered 1-9 respectively.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to N. M. Minnifield whose telephone number is 571-272-0860. The examiner can normally be reached on M-F (8:00-5:30) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette R.F. Smith can be reached on 571-272-0864. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



N.M. Minfield

Primary Examiner

Art Unit 1645

NMM

February 18, 2004

***CLEAN COPY OF CLAIMS:***

19. An isolated nucleic acid molecule encoding the amino acid sequence selected from the group consisting of SEQ ID NO:2 and SEQ ID NO:4.
20. An isolated nucleic acid molecule according to Claim 19 wherein the nucleic acid is isolated from group A *Streptococcus* bacteria.
21. An isolated nucleic acid molecule according to Claim 19 wherein the nucleic acid is isolated from *Streptococcus pyogenes*.
22. An isolated nucleic acid molecule having the sequence selected from the group consisting of SEQ ID NO:1 and SEQ ID NO:3.
23. An isolated nucleic acid molecule according to Claim 22 wherein the nucleic acid is isolated from group A *Streptococcus* bacteria.
24. An isolated nucleic acid molecule according to Claim 22 wherein the nucleic acid is isolated from *Streptococcus pyogenes*.
25. An isolated nucleic acid molecule having a sequence that selectively hybridizes to a target sequence selected from the group consisting of SEQ ID NO:1 and SEQ ID NO:3, said sequence that selectively hybridizes having at least 70% complementarity with the target sequence.

26. An isolated nucleic acid molecule according to Claim 25 wherein the nucleic acid is isolated from group A *Streptococcus* bacteria.
27. An isolated nucleic acid molecule according to Claim 25 wherein the nucleic acid is isolated from *Streptococcus pyogenes*.